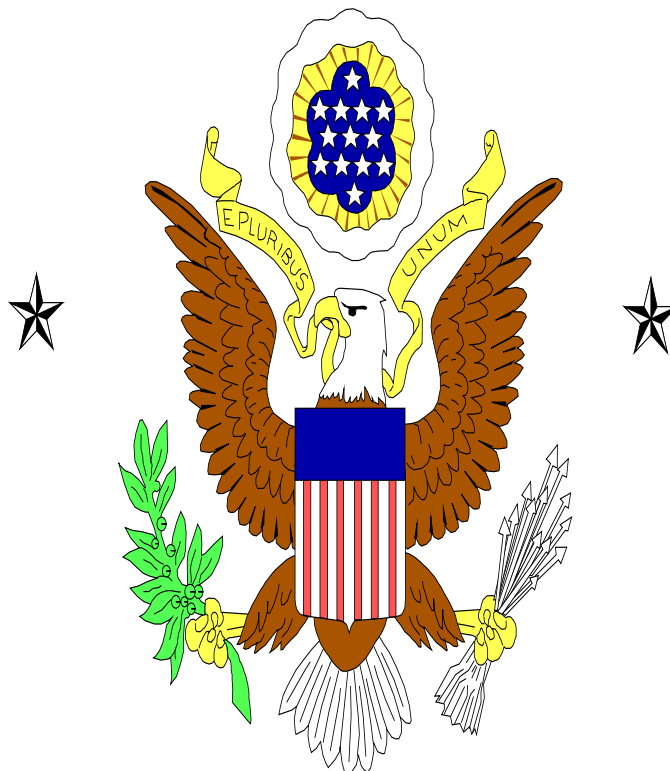


**UNITED STATES BANKRUPTCY COURT  
FOR THE  
WESTERN DISTRICT OF KENTUCKY**

**LOCAL RULES**  
Effective May 1, 1997



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## PREFACE

In March 1995, the judges of this court appointed the local rules committee to revise uniform local rules for the Bankruptcy Court for the Western District of Kentucky. The **LOCAL RULES** are a result of their efforts.

The members of the Committee include:

The Honorable Mark A. Robinson, Chairperson  
Louisville

The Honorable Timothy E. Feeley  
Louisville

The Honorable Joseph J. Golden  
Louisville

The Honorable Charles A. Goodman, III  
Glasgow

The Honorable Kristi W. McAnulty  
Louisville

The Honorable Jan C. Morris  
Louisville

The Honorable Robert J. Morrison  
Louisville

The Honorable Thomas D. Murphy  
Louisville

The Honorable Paul E. Porter  
Louisville

The Honorable Jeff S. Taylor  
Owensboro

The Honorable Mark C. Whitlow  
Paducah

The Honorable Diane S. Robl, Clerk of the  
United States Bankruptcy Court

Elaine H. Cundiff provided administrative support from the Clerk's office.

The judges are grateful to the Committee and to the many lawyers of Kentucky who contributed to the success of the project.

Comments and suggestions for the improvement of the RULES should be directed to the Clerk of the Court.

**UNITED STATES BANKRUPTCY COURT  
FOR THE  
WESTERN DISTRICT OF KENTUCKY**

**ORDER**

The Rules for the United States Bankruptcy Court for the Western District of Kentucky, having been approved by this Court and adopted by the United States District Court are hereby ORDERED filed and promulgated and shall become effective, as amended, May 1, 1997.

It is further ORDERED that a certified copy of the Rules be mailed to the Clerk of the Supreme Court of the United States in compliance with Rule 83 of the Federal Rules of Civil Procedure, and to the Bankruptcy Division, Administrative Office of the United States Courts.

S / \_\_\_\_\_ S/ \_\_\_\_\_

Charles R. Simpson, III  
Chief Judge  
United States District Court

Henry H. Dickinson  
Chief Judge  
United States Bankruptcy Court

S/ \_\_\_\_\_ S/ \_\_\_\_\_  
John G. Heyburn II J. Wendell Roberts  
United States District Judge United States Bankruptcy Judge

S/\_\_\_\_\_  
Jennifer B. Coffman  
United States District Judge

S/\_\_\_\_\_  
David T. Stosberg  
United States Bankruptcy Judge

S/\_\_\_\_\_  
Thomas B. Russell  
United States District Judge

S/\_\_\_\_\_  
Joseph H. McKinley, Jr.  
United States District Judge

## **RULE 1. GENERAL INFORMATION ABOUT LOCAL RULES.**

### **1.1 Scope of the Local Rules.** [Uniform # 9029-1]

These Local Rules of Practice for the United States Bankruptcy Court for the Western District of Kentucky provide standardized procedures for the convenience of the bench and bar. They supplement the FEDERAL RULES OF BANKRUPTCY PROCEDURE and the Joint Local Rules for the Eastern and Western Districts of Kentucky and shall be construed to be consistent with those RULES and to secure the just, efficient and economical determination of bankruptcy actions. They supersede all previous local rules and general orders.

### **1.2 Effective Date.**

These rules shall apply to all cases or proceedings filed on or after May 1, 1997.

### **1.3 Meaning of references to "Court" and "Clerk".** [Uniform # 9001-1]

References in these RULES to "Court" or the "Clerk" shall mean the United States Bankruptcy Court for the Western District of Kentucky or the Clerk of that Court.

### **1.4 Citation of Local Rules.**

These rules may be cited as L.B.R. (W.D.Ky.).

## **RULE 2. JURISDICTION - GEOGRAPHICAL DIVISIONS AND VENUE.**

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## **2.1 Geographic Divisions of the Court.** [Uniform # 1071-1]

All proceedings shall be conducted in the division of the residence of the debtor or the division in which the major portion of the assets are located.

### **Bowling Green Division. (Div. 1)**

	Adair	Allen	Barren
Butler			
	Casey	Clinton	Cumberland
Edmonson			
	Green	Hart	Logan
Metcalfe			
	Monroe	Russell	Simpson Taylor
	Todd	Warren	

**Louisville Division. (Div. 3)**

Breckinridge	Bullitt	H a r d i n
Jefferson		
Larue	Marion	Meade
Nelson		
Oldham	Spencer	Washington

**Owensboro Division. (Div. 4)**

Daviess	Grayson	Hancock	Henderson
Hopkins	McLean	Muhlenberg	Ohio
Union	Webster		

**Paducah Division. (Div. 5)**

Ballard	Caldwell	Calloway
	Carlisle	
Christian	Crittenden	Fulton
Graves		
Hickman	Livingston	Lyon
McCracken	Marshall	Trigg

The assignment of counties to division may be changed by  
RULE or order.

**2.2 Motions for Change of Venue.** [Uniform # 1014-2]

Any request for change of venue after assignment shall be  
made by motion to the Court.

**RULE 3. PRACTICE BEFORE U.S. BANKRUPTCY COURT  
WESTERN DISTRICT OF KENTUCKY.**

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**3.1 Eligibility of Attorney.** [Uniform # 2090-1]

An attorney who has been admitted to practice before the United States District Court for the Western District of Kentucky who is in good standing with that Court and who is of good moral and professional character is eligible to practice before the Court.

### **3.2 Conflicting Engagements.** [Uniform # 5070-1]

It is the professional responsibility of attorneys to avoid setting conflicting engagements in the Courts, to inform the Courts of expected difficulties or conflicts which may arise, and to achieve the resolution of such conflicts or problems at the earliest possible time. Attorneys are expected to carry with them at all times they are in Court a calendar of their future court appearances.

### **3.3 Practice of Law, Defined.**

For purposes of this Local Bankruptcy Rule "practice of law" includes, but is not limited to, preparing and filing papers, such as complaints, petitions, applications and motions, questioning witnesses in proceedings before the Bankruptcy Judge, and pursuing or defending any action of any nature in this Court. "Practice of law" does not include questioning debtors at a meeting of creditors or the filing of claims.

### **3.4 Representation of Corporations, Partnerships and Other Business Entities** [Uniform # 1074-1]

All partnerships, corporations and other business entities (other than an individual conducting business as a sole proprietorship) that desire to appear in cases or proceedings before this Court must be represented by an attorney duly

admitted to practice before this Court.

### **3.5 *Pro Hac Vice* Admission.**

Licensed attorneys who are not admitted to practice before the District Court may be permitted by the Court to appear *pro hac vice* from time to time in a case or proceeding, upon motion and a certificate of service evidencing service of the motion and order upon counsel for the adverse party, the trustee, and the U.S. Trustee. A motion requesting admission *pro hac vice* must specifically recite that the movant is familiar and will comply with the Bankruptcy Code, the Bankruptcy Rules, and these Local Bankruptcy Rules. The requirements of this rule shall be in addition to Rule 3.7.

### **3.6 Exceptions to Representation by an Attorney.** [Uniform # 9010-1]

The following exceptions to representation by an attorney shall apply:

**3.6.1** An individual may represent him or herself; that is, an individual may appear *pro se*.

**3.6.2** An individual may represent an unincorporated business if that individual is the sole proprietor of that business.

**3.6.3** An individual may represent a creditor or any other entity at a meeting of creditors.

### **3.7 Designation of Local Counsel.**

Unless otherwise ordered by the Court, all parties, except those appearing *pro se*, shall be represented of record by a member of the Bar who has an office in this state. Governmental agencies are not required to designate local counsel.

**3.7.1** For computation of time purposes, service of papers upon local counsel shall constitute service within the meaning of BR 7005(b). A copy of all papers served upon local counsel shall be immediately sent to all other counsel of record.

**3.7.2** If a pleading is tendered without designation of local counsel, the Clerk shall accept it for filing, but shall advise the party of this RULE. The party shall then have thirty (30) days to designate local counsel. If the designation is not made, the Clerk shall refuse to accept any further papers for filing, and the Court may strike all pleadings of that party.

**3.7.3** Local counsel shall be sufficiently informed to answer status queries of the Court and to appear and adequately represent the client at any hearings before the Court, even on short notice and in the absence of co-counsel.

### **3.8 Attorney of Record. [Uniform # 9010-1]**

Unless otherwise permitted by Court, an attorney shall be deemed to be an attorney of record in all actions by:

- a.** Making an in-court appearance on behalf of a party;

- b. Filing an entry of appearance;
- c. Signing a pleading as attorney for a party; or
- d. Having his or her name listed, other than of counsel, on a pleading as an attorney in the action.

**3.9      Extent of an Attorney's Duty to Represent.** [Uniform # 9011-1]

Any attorney who files a bankruptcy petition for or on behalf of a debtor shall remain the responsible attorney of record for all purposes including the representation of the debtor in all proceedings that arise in conjunction with the case. An attorney is relieved of his or her duties when the debtor's case is closed, or when the attorney is specifically relieved after notice and a hearing upon motion and order of this Court. Notice of any debtor's attorney's motion to withdraw from a case or proceeding shall be served upon the matrix by said attorney unless otherwise ordered.

**RULE 4.   DISCIPLINE OF ATTORNEYS.**

**4.1 Discipline Generally.** [Uniform 2090-2]

Upon a showing to the Court that any attorney permitted to practice before the Court has been subjected to public discipline in any other court of record, or has been guilty of unprofessional conduct, the attorney shall be subject to discipline by this Court. *Disbarment from the Bar of the Court may be utilized as a sanction.*

**4.2 Discipline in Another Court; Procedure.** [Uniform 2090-2]

**4.2.1 Attorney's Duty to Notify of Disciplinary Action.**

Any attorney permitted to practice before the Court shall, upon being subjected to public discipline in any other Court of record, promptly inform the Clerk of that action in writing.

**4.2.2 Notice to the Attorney.** Upon the filing of a certified copy of a judgment or order demonstrating that an attorney has been disciplined by another Court, the Court shall immediately issue a notice directed to the attorney containing:

- a. a copy of the judgment or order from the other Court; and
- b. an order to show cause, within thirty (30) days after that order upon the attorney, personally or by mail, of service of any reason, based upon the grounds hereafter stated in subsection 4.2.3, why the imposition of the identical discipline by the Court would be unwarranted and the reasons therefore.

**4.2.3 Discipline Imposed, Grounds for Challenge.** Upon the expiration of thirty (30) days from service of the notice issued pursuant to the provisions of subsection 4.2.2 of this rule, the Court shall impose the identical discipline as that imposed by the other Court unless the respondent- attorney demonstrates, or the Court finds, that upon the face of the record upon which the discipline in the other Court is predicated, it clearly appears:

- a. that the procedure was so lacking in notice and opportunity to be heard as to constitute a deprivation of due process; or,
- b. that there was such an infirmity of proof establishing the misconduct as to give rise to a clear conviction that the

Court could not, consistent with its duty, accept as final the conclusion on that subject; or,

c. that the imposition of the same discipline by the Court would result in grave injustice; or

d. that the misconduct established is deemed by the Court to warrant substantially different discipline.

If the Court determines that any of the foregoing grounds exist, it shall enter such other order as it deems appropriate.

**4.2.4 Finality of the Other Court's Action.** Unless the Court determines that any of the grounds enumerated in subsection 4.2.3 of this rule exist, a final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this Court. In the event the discipline imposed in the other Court has been stayed or has not become a final decision, any reciprocal discipline imposed by the Court shall be deferred until the stay expires or the decision becomes final.

**4.2.5 Unprofessional and Improper Conduct.** In all cases where it is shown to the Court that any attorney permitted to practice before the Court has been guilty of unprofessional conduct within the meaning of the standards of professional responsibility adopted by the Supreme Court of Kentucky or is guilty of other conduct unbecoming an officer of the Court, any judge may enter an order directing that attorney to show cause, within a specific time, why the Court should not take disciplinary action against the attorney. Upon the attorney's response to the order to show cause, and if requested, after a hearing before the judge, or upon the expiration of the period set forth in the order to show cause, if no response has been made, the Court shall enter an appropriate order. Nothing in this RULE shall limit the power of the Court to impose sanctions.

**RULE 5. OPERATION OF U.S. BANKRUPTCY COURT FOR  
THE WESTERN DISTRICT OF KENTUCKY.**

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**5.1 Business Hours.** [Uniform # 5001-2]

The Bankruptcy Court shall be open to the public from 8:30 A.M. to 4:30 P.M., prevailing time, Monday through Friday. The Court shall close on all federal holidays unless otherwise ordered by the Court.

**5.2 Official Address of the U.S. Bankruptcy Court-Western District of Ky.**

[Uniform # 5001-2]

All petitions, pleadings, and claims in bankruptcy proceedings shall be filed with the: Clerk of the Bankruptcy Court

Gene Snyder Courthouse  
601 W. Broadway, Suite 546  
Louisville, Kentucky 40202

**5.3 Emergency Filings, Late or After-hours Filings, Filings by FAX.**

[Uniform # 5005-1]

**5.3.1** Emergency filings are filings made in Divisional Offices that are accompanied by a required fee that must be filed immediately to meet a deadline or to stop some type of action such as garnishment. Permission for Emergency filings must be obtained from the Clerk of Court or designee prior to filing.

**5.3.2** Late or after-hour filings are filings that must be filed on a day certain, but may not be ready for filing during normal business hours or during hours in which the Courthouse is open for use of the Bankruptcy Court Clock and Drop box on the Fifth Floor, Seventh Street side. Permission for filings after 5:30 p.m. or before 6:45 a.m. or permission to file an emergency motion or motion for an expedited hearing must be obtained from the Clerk of Court or designee who will make arrangements for the filing.

**5.3.3** Filings by facsimile are filings, on very rare occasions, that are not accompanied by a required fee, but must be filed on a day certain and cannot reach the Bankruptcy Court by mail to meet the deadline. Permission for filing must be obtained from the Clerk of Court or designee before filing. A confirmation number issued by the Clerk of Court or designee must appear on the Fax cover sheet for the pleading to be filed.

**5.4 Emergency Requests for Bankruptcy Copies by Facsimile.**  
[Uniform #5005-4]

Requests for Court documents to be sent by facsimile due to very unusual and rare circumstances must be approved by the Clerk of Court or designee and may require advance payment of a fee as imposed in the Bankruptcy Fee Schedule.

## **5.5 Telephone Numbers**

<b>Customer Service</b>	<b>(502) 627- 5700</b>
<b>Voice Case Information System (VCIS)</b>	<b>(502) 627- 5660</b>
<b>Public Access to Court Electronic Records  (PACER)</b>	<b>(502) 627- 5664</b>
<b>Clerk's Office</b>	<b>(502) 627- 5700</b>
<b>Adversary Proceedings</b>	<b>(502) 627- 5620</b>
<b>Courtroom Services</b>	<b>(502) 627- 5600</b>
<b>Financial Manager</b>	<b>(502) 627- 5777</b>
<b>Space &amp; Facilities Manager</b>	<b>(502) 627- 5775</b>
<b>Clerk of Court/Chief Deputy Clerk</b>	<b>(502) 627- 5800</b>
<b>Operations Manager</b>	<b>(502) 627 5800</b>

**TEAM - RED** (502)  
627-  
5780

(All Paducah Cases)  
All Louisville Cases ending in 00-35

**TEAM - BLUE** (502)  
627-  
5781

(All Owensboro Cases)  
All Louisville Cases ending in 36-68

**TEAM - PURPLE** (502)  
627-  
5782

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(All Bowling Green Cases)  
All Louisville Cases ending in 69-99

**CHAMBERS:**

**Chief Judge David T. Stosberg** (502) 627-  
5575

**Judge J. Wendell Roberts** (502)  
627-  
5550

**Judge J. L. Cooper** (502)  
627-  
5525

## **RULE 6. PROCEDURE FOR FILING A PETITION.**

### **6.1 Form of Petition.** [Uniform #1002-1]

All petitions shall be typewritten and shall include:  
the address of the attorney;  
the telephone number of the attorney; and  
the telephone number of the debtor.

### **6.2 Chapter 7 Filing Requirements.** [Uniform # 5005-2; 1007-1]

An original and two (2) copies of a petition, lists, schedules and statements under Chapter 7 of the Bankruptcy Code shall be filed.

### **6.3 Chapter 13 Filing Requirements.** [Uniform # 5005-2; 1007-1]

An original and three (3) copies of the petition, lists, schedules and statement of affairs under Chapter 13 of the Bankruptcy Code shall be filed.

### **6.4 Chapter 9 Filing Requirements.** [Uniform # 5005-2; 1007-1]

An original and five (5) copies of a petition, lists, schedules and statements under Chapter 9 of the Bankruptcy Code shall be filed.

### **6.5 Chapter 11 Filing Requirements.** [Uniform # 5005-2; 1007-1]

An original and five (5) copies of a petition, lists, schedules and statements under Chapter 11 of the Bankruptcy Code shall be filed. An original and one (1) copy of the Chapter 11 disclosure statement and plan shall also be filed.

1] **6.6 Chapter 12 Filing Requirements.** [Uniform 5005-2; 1007-

An original and five (5) copies of a petition, lists, schedules and statements under Chapter 12 of the Bankruptcy Code shall be filed. An original and one (1) copy of the Chapter 12 plan shall also be filed.

**6.7 Matters that will not be accepted for filing.**  
[Uniform # 9011-4; 1007-2; 5080-1]

The Clerk of this Court shall refuse to accept for filing any petition, complaint, motion, agreed order, or other paper (except reaffirmation agreements and proofs of claim) under Title 11, regardless of the Chapter under which it is filed, if it:

**6.7.1** purports to place more than one entity or person (unless they are husband and wife) under the protection of Title 11; or

**6.7.2** is not accompanied by a filing fee or installment application; or

**6.7.3** is not properly signed; or

**6.7.4** is filed *pro se* by a corporation/partnership or other business entity (other than an individual conducting business as a sole proprietorship);  
[See 3.4] or

**6.7.5** [the petition] is not accompanied by a mailing matrix in the form approved by the Clerk of Court. A memorandum containing current specifications as to matrix format is available from the Clerk.

**6.8 Timely Filing from Date of Execution of Petition.**

[Uniform # 1002-1;1007-1]

All petitions, statements of affairs and schedules must be **filed within fourteen (14) days of their execution** or a properly executed amendment must be filed indicating the changes, if any, that have occurred between the date of execution and the date of filing.

**6.9 Matrix Submission by Diskette**

When feasible, the original matrix shall be submitted by diskette in the format approved by the Clerk of Court. Diskette guidelines are available from the Clerk.

**RULE 7. NOTICE.**

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**7.1 Special Noticing Procedures in Chapter 11 Cases**

[Uniform # 2002-1]

In all Chapter 11 cases the debtor shall act as the primary noticing agent pursuant to an Order of the Court. On motion of the debtor, the Court may require creditors and parties in interest to file a request with the Clerk to receive notices and thereafter, if the request is granted, amend the notice requirements to require service only upon:

- 1) all secured creditors who are not represented by counsel;
- 2) all counsel of record for parties in interest;
- 3) the United States Trustee;

any other  
to receive

- 4) counsel for the unsecured creditors committee and committees;
- 5) governmental units having claims; and
- 6) all persons who file with the Court a written request such notices.

or a request

An attorney or party in interest filing an entry of appearance for notices shall serve a copy on debtor's counsel.

## **7.2 Facsimile Notice by Attorneys.** [Uniform # 9036-1]

Delivery of copies of pleadings and all other papers by telephonic facsimile machine shall be considered in all respects equivalent to hand delivery of such copies, except pleadings filed with the Court as specified by Rule 5.3.3.

## **7.3 Notice to the United States.** [Uniform # 2002-2]

Bankruptcy Rule 2002(j)(4) provides that if the papers in the case disclose a debt to the United States, other than for taxes, notice shall be mailed to the United States Attorney for the District in which the case is pending and to the department, agency or instrumentality of the United States through which the Debtor became indebted. Within the Western District of Kentucky, notice shall be served on the United States Attorney at:

Office of the United States Attorney,  
Western District of Kentucky

For: \_\_\_\_\_ (Name of Agency)

\_\_\_\_\_  
Bank of Louisville Building  
510 W. Broadway, 10th Floor  
Louisville, KY 40202

### **7.3.1 Service.**

Simultaneous service shall be made upon the department, agency or instrumentality of the United States through which the debt arose or with whom the debt is pending. The proper addresses for simultaneous service are as follows:

Federal Agencies/ Departments/ Instrumentalities	Notices to be sent to EACH of the following Addresses
1. Internal Revenue Service	Internal Revenue Service Attn: Chief, Special Procedures Function Stop 510, P.O. Box 1706 Louisville, KY 40201
2.1 Rural Economic & Community Development Services f/k/a Farmers Home Administration <b>(for rural housing loans)</b>	U. S. Dept. of Agriculture Attn: State Executive Director 771 Corporate Dr., Suite 200 Lexington, KY 40503-5477
2.2 Farm Service Agency f/k/a Farmers Home Administration <b>(for farm loans, ASCS &amp; CCC)</b>	U. S. Dept. of Agriculture Attn: State Executive Director 771 Corporate Dr., Suite 100 Lexington, KY 40503-5478  County Office where loan originated.
3. U. S. Department of Education	U. S. Department of Education San Francisco Service Center 50 United Nations Plaza San Francisco, CA 94102

4. U. S. Small Business Administration	U. S. Small Business Administration 600 Dr. Martin Luther King, Jr. Place Room 188 Louisville, KY 40202
5. Veterans Administration	Veterans Administration Centralized Accounts Receivable Section P. O. Box 1930 St. Paul, MN 55111
6. United States Department of Labor - Occupational Safety and Health	United States Dept. of Labor - OSHA Attn: Area Director Federal Building, Room 108 330 W. Broadway Frankfort, KY 40601
7. United States Department of Labor - Mine Safety and Health	United States Dept. of Labor - Civil Penalty Compliance Office Attn: Compliance Officer 4015 Wilson Blvd., Room 930 Arlington, VA 22203
8. United States Department of Housing and Urban Development	U. S. Dept. of HUD Attn: Chief Counsel 601 West Broadway Louisville, KY 40202
9. United States Department of Health and Human Services - Social Security Administration	District Manager of local area where person resides

10. United States Department of Health and Human Services - all divisions other than Social Security Administration, and generally if division not designated	Health & Human Services Office of General Counsel Room 722A, Hubert Humphrey Bldg. 200 Industrial Avenue, S.W. Washington, D.C. 20201
11. U. S. Army Corps of Engineers	Army Corp of Engineers 600 Dr. Martin Luther King, Jr. Place P. O. Box 59 Louisville, KY 40202
12. United States Army	U. S. Army Finance & Accounting Center Attn: FINCL-B Indianapolis, IN 46249

#### **7.4 Federal Agencies Not Listed Above.** [Uniform # 2002-2]

For any federal agency not listed, serve the United States Attorney for the Western District of Kentucky and the office of the agency which served the Debtor.

**7.4.1** Nothing in the above rule alters the Debtor's duties under Bankruptcy Rule 2002(j)(4) for service upon the Security and Exchange Commission, the Commodity Futures Trading Commission, the Internal Revenue Service and/or the Secretary of the Treasury as required therein.

**7.4.2** The above addresses shall also be used for service as required under Bankruptcy Rules 7004(a)(4) and (5), and

9014, in addition to the required service upon the Attorney General at:

Attorney General  
U.S. Department of Justice  
Constitution Avenue & 10th Street, NW  
Room 5111  
Washington, DC 20530

## **RULE 8. MOTIONS, PLEADINGS AND OTHER RELATED MATTERS.**

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### **8.1 Form.** [Uniform # 9013-1]

All motions, pleadings and other related matters shall be typewritten and shall include:

the address of the attorney; and  
the telephone number of the attorney; or  
the address and telephone number of the individual, if  
pro se.

Proofs of Claim are excluded from the requirements of this rule; however, they must be legible.

### **8.2 Motion Requirements.** [Uniform # 9013-1]

**8.2.1** All motions shall state the grounds for the relief requested.

**8.2.2** All motions shall include notification of the period in which objections to the motion shall be filed. (See Official Forms)

**8.2.3** No motion or response shall be accepted for filing with the Clerk unless accompanied by a separate proposed order.

**8.2.4** Redemption rights cannot be waived in any motion or proposed order.

**8.2.5** Motions may not request more than one form of relief unless:

- a.** The motion is made in a Chapter 11 case;
- b.** The caption of the motion clearly sets forth the different forms of relief requested;
- c.** If the motion requests alternative relief, appropriate Orders are tendered with the motion; and, alternative
- d.** The different forms of relief requested are directly related to one another.

**RULE 9. SPECIFIC MOTIONS, PLEADINGS AND OTHER  
RELATED MATTERS.**

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**9.1 Motion for Relief From Automatic Stay.** [Uniform # 4001-1]

**9.1.1** Any motion for relief from the automatic stay shall be filed with a copy of the proof of claim and specify whether the movant seeks to terminate, annul, modify, or condition the stay.

**9.1.2** Parties for the purpose of service in connection with relief from stay proceedings shall include, but are not limited to:

- a.** the debtor or debtor-in-possession and the debtor or debtor-in-possession's attorney;
- b.** any applicable co-debtor where relief is sought from the co-debtor stay under 11 U.S.C. §1201 or §1301;
- c.** the trustee, if any, appointed in the case;
- d.** the chairperson and counsel for any committee appointed in the case;
- e.** any party known to the movant holding or claiming an interest in the property.

**9.1.3** If no response to the stay motion is filed within fifteen (15) days, the relief requested will be granted. In a Chapter 7 case, if a response which states good cause for a hearing is filed

within fifteen (15) days of the date of service of the motion for relief, a hearing will be scheduled within thirty (30) days of the date of filing of the motion. Additional time to obtain reaffirmation agreements does not constitute good cause.

**9.1.4** Except as provided in Rule 8.2.5, a motion for relief from stay shall be filed separately and not combined in the same motion with any other requests for relief.

**9.2 Motion for Abandonment and Abandonment by Trustee.**  
[Uniform # 6007-1]

**9.2.1** The notice of the Section 341 meeting shall state that the trustee, upon the filing of the Report of No Distribution with the Clerk, proposes to abandon all property which is of no value to the estate. Pursuant to this rule, the last day for filing an objection to abandonment of property is thirty (30) days from the Section 341 meeting. All property of the estate will, therefore, be deemed abandoned if two conditions are met:

- a. A Report of No Distribution is filed by the trustee; and
- b. No objections are filed within thirty (30) days from the Section 341 meeting.

**9.2.2** When objections are filed within thirty (30) days from the Section 341 meeting, or when no Report of No Distribution has been filed by the trustee, and a creditor wishes to move for abandonment of property, these procedures shall be followed:

- a. A motion for a proposed abandonment by a party in interest shall be served on the trustee, the debtor, debtor's attorney, the debtor-in-possession and debtor-

in-possession's attorney, members of any creditors' committee and its attorney, and any person or entity claiming an interest in or lien against the property to be abandoned and any creditor requesting specific notice of proposed abandonments. A motion for abandonment shall contain a certificate of notice for filing objections, in accordance with Form 16.3, and a copy of the proof of claim.

**b.** Where the trustee or debtor-in-possession proposes abandonment of property at the request of a party in interest, such party in interest shall give notice as required.

### **9.3 Motions to Continue.** [Uniform # 5071-1]

**9.3.1** All motions to continue hearings shall be in writing and filed at least ten (10) days before the scheduled hearing date. Each motion shall contain an affidavit specifying the reason for the continuance. If the motion filed is to reschedule a Section 341 meeting where the debtor failed to appear, said motion shall be accompanied by an affidavit signed by the debtor.

### **9.4 Motions for Expedited Relief or for an Emergency Hearing.**

**9.4.1** All motions, pleadings or matters that require emergency attention or an expedited hearing by the Court shall be filed in the following manner:

a. the moving party shall notify the Clerk of Court, Operations Manager, or designee that a motion, pleading or other matter requires immediate attention from the Court, and

b. the moving party shall file the motion, pleading or other matter with the heading "EMERGENCY MOTION . . . " or "REQUEST FOR EXPEDITED HEARING."

**9.4.2** Upon receipt of a motion, pleading or other matter that requests emergency or expedited attention, the Clerk's office will bring the motion, pleading or other matter to the attention of the Court as soon after it is filed as is practicable. When a hearing is set or relief granted, the parties will be notified by telephone of the hearing time and date or of the relief ordered. All inquiries should be directed to the Clerk of Court, Operations Manager, or Courtroom Services Team Leader.

## **RULE 10      PROOF OF CLAIM.**

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### **10.1 Required Disclosure. [Uniform # 3001-1]**

All Proofs of Claim shall disclose as of the date the Order of Relief is granted:

- a. Total gross balance due;
- b. Amount of unmatured interest rebated;
- c. Net balance due;
- d. Amount of regular installment payment;
- e. The contract rate of interest or the per diem rate at which interest accrues, whichever may apply;

- f.** A copy of the instrument evidencing a security interest or lien and proof of recording of same;
- g.** The Federal and State Identification number of company filing it;
- h.** A statement of account or other evidence of indebtedness.

## **RULE 11. EVIDENTIARY HEARING AND TRIAL PRACTICE.**

### **11.1 Exhibits.** [Uniform # 9070-1]

The provisions below shall be followed unless otherwise ordered by the Court:

**11.1.1 Uniform Designation.** Proposed exhibits, including those appended to requests for admission, interrogatories and depositions, as well as those to be utilized during trial, or hearing, shall be uniformly identified during all phases of the case.

**11.1.2 Method of Designation.** All trial exhibits shall be marked for identification purposes as follows:

- a.** Joint exhibits (JX) shall be numbered with white labels;
- b.** Plaintiff's exhibits (PX) shall be numbered with pink labels;
- c.** Defendants exhibits (DX) shall be numbered with blue labels;
- d.** Third-party exhibits (TPX) shall be numbered with green labels.
- e.** In all proceedings involving multiple plaintiffs or multiple defendants, the identification attached to each exhibit shall contain the surname of the individual plaintiff or defendant or the corporate name of the plaintiff or defendant.

**11.1.3 Advance Marking.** Prior to trial or evidentiary hearing, all exhibits shall be marked for identification purposes with labels which are available, upon request, from the Clerk.

**11.1.4 List of Exhibits.** Fifteen (15) days before the trial of an adversary proceeding or other evidentiary hearing, each party shall tender to the Court a list of all exhibits the party intends to utilize at trial. The list shall contain the pre-marked number and a short description of the exhibit.

**11.1.5 Copies for Judge.** Except upon cause shown or as provided otherwise in the final pretrial order, two copies of each document or written exhibit to be tendered during trial or hearing shall be filed with the Clerk's office five (5) days before the trial or evidentiary hearing. These copies are in addition to the original exhibits to be submitted into the record at the trial or hearing.

**11.1.6 Disposition of Exhibits.** Three (3) months after the entry of a final order or upon filing of a mandate in a case appealed, the Clerk may direct counsel of record to retrieve all exhibits filed by them, which are still remaining in the Clerk's custody. The Clerk may destroy all exhibits not claimed within two weeks after the notice to counsel of record to retrieve all exhibits filed by them.

## **11.2 Courtroom Decorum. [Uniform # 5072-1 ]**

**11.2.1 Persons Permitted Inside the Bar of the Courtroom.** Unless otherwise ordered by the Court, in all proceedings held in open Court, only the following persons

shall be permitted inside the bar of the courtroom: the parties, the witnesses when actually testifying, attorneys duly admitted to practice before the Court and paralegals working under their direction, the bailiffs, marshals, and other officers and employees of the Court.

**11.2.2 Possession and Use of Certain Equipment.** The operation or possession of recording devices, radio or television broadcasting devices, or equipment for the taking of photographs in any courtroom, hall, corridor, or foyer of any building used as a place of holding Court, whether or not Court is actually in session, is prohibited. The use of cellular phones in any courtroom is prohibited. The presiding judge may, however, permit the use of electronic or photographic means for the presentation of evidence or the perpetuation of a record. Any person violating this Rule shall be subject to punishment for contempt. Notice of this Rule shall be posted in a conspicuous place in all federal court buildings in the Western District of Kentucky.

**11.2.3 Children.** No child under the age of ten (10) years shall be allowed in any courtroom.

## **RULE 12. ADVERSARY PROCEEDINGS.**

### **12.1 Bankruptcy Cover Sheet. [Uniform # 7003-1]**

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A "Bankruptcy Cover Sheet" in the form prescribed by the Administrative Office of the United States Courts shall be completed and filed with each complaint. Notwithstanding the instructions contained on the coversheet, more than one block may be checked specifying the nature of the suit.

**12.2 Service of Complaint, Scheduling Order and Summons.**  
[Uniform #7004-1]

The Clerk shall issue three (3) copies of the Summons and Scheduling Order for each defendant to the plaintiff's attorney for service. A copy of the complaint and scheduling order shall be served with the summons within ten (10) days from the date of issue.

**12.3 Caption of the Complaint.** [Uniform # 9004-2]

The caption of all complaints shall indicate the nature of the suit and when the complaint is one objecting to the discharge of the debtor, the caption shall specify "Complaint Objecting to Discharge."

**RULE 13. CHAPTER 13 PRACTICE.**

---

**13.1 Secured and Priority Claims.** [Uniform #3001-1]

All secured claims and priority claims of creditors shall be filed in the Clerk's office within three (3) business days preceding the meeting of creditors and shall contain a rebated balance as of the date of filing. The trustee shall pay post-petition interest, to accrue daily at a market rate of interest, to the extent that the claim is secured. However, the parties may by agreement modify the secured creditor's right to receive post-petition interest.

**13.2 Dissemination of the Plan.** [Uniform #3015-1]

The attorney for the debtor shall mail copies of the plan to all scheduled creditors and the Chapter 13 Trustee no later than

fifteen (15) days after the case is filed, certifying same to the Court within three (3) days of the mailing. Debtor's counsel shall include with or on the plan a statement that substantially conforms to the following: "The above-named debtor(s) has/have filed a Chapter 13 petition in the U.S. Bankruptcy Court for the Western District of Kentucky. If you have not received notice of the filing, you will receive notice within a few days."

### **13.3 Debtor's Obligation to Make Escrow Payments and Payments to Standing Trustee. [Uniform #3070-1]**

Every debtor shall make payments required by 11 U.S.C. Section 1326 to debtor's attorney escrow account from the date of filing equal to the proposed plan payments. Said funds shall be paid to the standing Trustee at the Section 341 meeting. Failure to make such payments to the standing Trustee shall be grounds for appropriate sanctions, including denial of confirmation.

### **13.4 Less than 100% Plans.**

All debtors having plans confirmed providing for less than full payment to holders of unsecured claims shall:

- a.** submit copies of federal and state income tax returns filed during the pendency of the case to the standing Trustee;
- b.** deliver federal and state income tax refunds to the standing Trustee for distribution to creditors, in addition to the percentage

required by the plan;  
provided, however, that  
debtors do not pay over  
100%; and,

- c. annually submit a current income and expense statement (substantially the same as the statement accompanying the filing of a case) to the Court and to the standing Trustee. The standing Trustee shall determine whether all disposable income is being paid into the plan.

### **13.5 Service of Pleadings on Trustee.**

All pleadings filed shall include a certificate of service on the Chapter 13 Trustee.

### **13.6 Debtor's Income Tax Return and Income and Expense Statement.**

The copies of federal and state income tax returns and income and expense statement shall be filed no later than May 15 of each year a case is pending. If an extension of time for filing income tax returns is filed in lieu of a tax return, a copy of the extension request shall be filed with the standing Trustee no later than May 15 of each year a case is pending, and a copy of the returns shall be filed with the standing Trustee at such time as the same are filed with the taxing authorities.

### **13.7 Sanctions.**

Failure to comply with this Rule shall be considered cause for Court sanctions, including dismissal of the case.

## **RULE 14. INCOME TAX REFUNDS.**

---

### **14.1 Offset of Income Tax Refund.** [Uniform # 6070-1]

The Internal Revenue Service is authorized to make income tax refunds, in the ordinary course of business to the debtors in Chapter 7 and Chapter 13 cases, unless directed otherwise in writing by the trustee or the Court, and the Internal Revenue Service is authorized to offset any refund against any taxes due to the United States.

### **14.2 IRS Duty to Notify Court and Trustee.**

The Internal Revenue Service shall notify the Bankruptcy Court and the Trustee in letter form, or by amended claim, of any and all offsets made pursuant to authorization in all such cases where the Internal Revenue Service has on file with the Bankruptcy Court a proof of claim covering tax liabilities of the debtor.

### **14.3 IRS Assessment of Tax Liabilities.** [Uniform # 6070-1]

The Internal Revenue Service is authorized in all cases to assess tax liabilities shown due on voluntarily filed tax returns.

### **14.4 Modification of Stay.**

The stay afforded by 11 U.S.C. Section 362 is modified to the extent provided by this Rule.

**RULE 15. INSURANCE ON MOTOR VEHICLES SUBJECT TO A LIEN.**

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**15.1 Definitions.** [Uniform # 4070-1]

**15.1.1 Motor Vehicle Defined.** "Motor Vehicle" shall include, but is not limited to any automobile, truck, motorcycle, motorbike, mobile home or house trailer designed for travel on the public highways and/or capable of travel on the public highways and any other vehicle licensed by any state for travel on the public highways.

**15.1.2 Proof of Insurance Defined.** "Proof of Insurance" shall mean a certificate of insurance or such other written evidence of sufficient reliability from the insurance carrier stating that property damage and liability insurance is in force for a minimum of 90 days from the meeting of creditors, stating the amounts and types of coverage, with a maximum deductible of \$500, and containing a notation of the secured party as loss payee.

**15.2 Required Proof of Insurance.** [Uniform # 4070-1]

**15.2.1** Whenever a debtor elects, either by making payments through a plan, by making adequate protection payments or by entering into a reaffirmation agreement, to retain a motor vehicle which is subject to the lien of a creditor holding an allowed secured claim or a vehicle subject to **a lease**, proof of insurance against physical damage and loss must be furnished to the trustee and the creditor at or before the Section 341 meeting. Failure to furnish Proof of Insurance shall be presumed to mean no insurance is in effect.

**15.2.2** The Proof of Insurance must state that coverage will continue for at least ninety (90) days from the date of the Section 341 meeting. If there is already a ninety (90) day policy in effect at the time of the Section 341 meeting, debtor must ensure that there are ninety (90) days remaining on the policy at time of the 341 meeting. However, if debtor presents proof of paid coverage for the ninety (90) day period immediately preceding the policy in effect at the time of the 341 meeting, as well as proof of payment for the ninety (90) day policy currently in effect, the debtor may extend the policy at its normal renewal date.

**15.2.3** If the debtor fails to furnish proof of insurance at the Section 341 meeting, the stay shall be deemed terminated.

**15.3 Insurance Lapse.** [Uniform # 4070-1]

If prior to or subsequent to the Section 341 meeting, but during the pendency of a case, insurance lapses on any motor vehicle subject to the provisions of this Rule, the following procedures shall be followed:

**15.3.1** A creditor with an allowed claim secured on the motor vehicle for which insurance has lapsed shall notify, in writing, the debtor and the debtor's attorney of such lapse of insurance. Service of such notice upon the debtor and the debtor's attorney shall be in the manner specified in Rule 7004(b)(9) of the Bankruptcy Rules.

**15.3.2** The debtor shall be enjoined from using the motor vehicle for which insurance has lapsed as long as the motor vehicle remains uninsured.

**15.3.3** If the debtor fails to provide proof of reinsurance for a minimum period of ninety (90) days to the creditor within five (5) business days following mailing of the notice provided in subsection 15.3.1 of this Rule, the stay shall be deemed terminated.

**15.4 Waiver of Required Insurance by Creditor.** [Uniform #4070-1]

Notwithstanding the above, the requirement for property damage insurance may be waived by a creditor, but such waiver must be in writing and signed by the creditor or its representative to be effective.

**RULE 16. FORMS.** [Uniform # 9009-1]

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The following forms are provided for use by the bar and public. All other papers shall substantially comply with the official forms in the Federal Rules of Bankruptcy Procedure.

- 16.1 Motion to Redeem Property
- 16.2 Order to Redeem Property
- 16.3 Motion by Secured Creditor for Abandonment of  
Property
- 16.4 Order Approving Proposed Abandonment
- 16.5 Motion to Avoid Lien
- 16.6 Order to Avoid Lien
- 16.7 Amendment to Schedules

16.8	Certificate of Service and Notice of Amendment to Schedules
16.9	Order Continuing Section 341 Meeting
16.10	Schedule of Allowed Claims
16.11	Appearance of Child Support Creditor Pursuant to Section 304(g)
16.12	Motion to Limit Noticing Requirements
16.13	Order Limiting Noticing Requirements
16.14	Motion to Suspend Payments
16.15	Order Approving Motion To Suspend Payments
16.16	Motion to Incur Credit Post-Confirmation
16.17	Order Approving Motion to Incur Credit Post-Confirmation

OFFICIAL

FORMS

UNITED STATES BANKRUPTCY COURT  
FOR THE  
WESTERN DISTRICT OF KENTUCKY

IN RE:

CASE NO.

Debtor(s)

MOTION TO REDEEM PROPERTY

Debtor(s) hereby move(s) the Court pursuant to Section 722 of Title 11, United States Code, for an Order permitting the Debtor to redeem an item of tangible personal property from a lien securing a dischargeable consumer debt.

- 1). The item of personal property involved is \_\_\_\_\_, which is intended primarily for personal, family or household use.
- 2). The debtor originally purchased the property on \_\_\_\_\_ (give date) and the original purchase price was \$\_\_\_\_\_.
- 3). The debtor has/has not obtained an appraisal and believes the fair market value of the property to be (put a value for each item if more than one) \_\_\_\_\_.
- 4). The security interest of \_\_\_\_\_ in said property, except to the extent of the amount of the allowed secured claim of said creditor, is a dischargeable consumer debt.
- 5). The amount of the allowed secured claim of said creditor has been or should be fixed by the Court as the sum of \$\_\_\_\_\_.
- 6). The debtor represents that the debtor will have cash available to redeem the property within ten (10) days of the entry of the requested Order.

WHEREFORE, the Debtor moves the Court for an Order permitting the Debtor to redeem said property by paying said creditor the aforesaid sum, and finding that the remainder of the claim of said creditor is a dischargeable consumer debt.

**\*Any objections to this redemption must be filed within 15 days from the date this Motion was filed. If no written objection is received, an order approving the redemption may be entered.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Attorney For Debtor(s)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone No.

CERTIFICATE OF SERVICE

I certify that a copy of this motion to redeem property was served by first class mail upon \_\_\_\_\_; this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Attorney For Debtor(s)

UNITED STATES BANKRUPTCY COURT  
FOR THE  
WESTERN DISTRICT OF KENTUCKY

IN RE: )  
 )  
 ) CASE NO.  
 )  
 Debtor(s) )  
\_\_\_\_\_

ORDER

Notice having been given and no objections having been filed,

IT IS HEREBY ORDERED that the debtor be allowed to redeem the property described as:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

by paying the Creditor the sum of \$\_\_\_\_\_ within ten (10) days of the entry of this Order, or by  
surrendering the property to the Creditor.

Dated:\_\_\_\_\_

\_\_\_\_\_  
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT  
FOR THE  
WESTERN DISTRICT OF KENTUCKY

IN RE:

)  
)  
) CASE NO.  
)  
Debtor(s) )

MOTION BY SECURED CREDITOR FOR ABANDONMENT OF PROPERTY

The undersigned secured creditor reports that at the time of the Order of Relief, the above Debtor's estate included the following property which is covered by a valid security interest:

DESCRIPTION OF PROPERTY (attach proof of claim) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAMEN ADDRESS OF SECURED CREDITOR \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

ESTIMATE VALUE OF PROPERTY \$ \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

BALANCE DUE ON MOVANT'S ACCOUNT \$ \_\_\_\_\_

\_\_\_\_\_

BALANCE DUE ON ALL OTHER LIENS ON THE PROPERTY (if applicable)

\$ \_\_\_\_\_

EXEMPTION IN THE AMOUNT OF \$ \_\_\_\_\_.

Wherefore, the undersigned secured creditor respectfully requests that the foregoing property be abandoned as property of the estate in accordance with 11 U.S.C. Section 554, Bankruptcy Rule 6007(b) and Local Rule 9.2.

**\*Any objections to this abandonment must be filed within fifteen (15) days from the date this Motion was filed. [Rule 6007]. If no written objection is received, an order approving the abandonment may be entered.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Attorney For Secured Creditor

\_\_\_\_\_  
Address

\_\_\_\_\_

LBR 16.3 (5-97)

---

Phone No.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion and Order to Abandon Property\* was mailed by the secured creditor to the trustee, the United States Trustee, attorney for debtor(s), or debtor-in-possession, \_\_\_\_\_ [any committee and its counsel], \_\_\_\_\_ [any person or entity claiming an interest in or lien against the property to be abandoned], and \_\_\_\_\_ [any creditor requesting specific notice of proposed abandonments] this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Attorney for Secured Creditor

UNITED STATES BANKRUPTCY COURT  
FOR THE  
WESTERN DISTRICT OF KENTUCKY

IN RE:

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CASE NO.

Debtor(s)

**ORDER**

This matter having come before the Court on the Motion by Secured Creditor \_\_\_\_\_  
\_\_\_\_\_, for Abandonment of Property described as \_\_\_\_\_,  
\_\_\_\_\_ , and there having been no timely,  
written objections by any party in interest to said motion, and the Court now finds the property burdensome to the estate  
and is of inconsequential value and benefit to the estate, and the Court being otherwise sufficiently advised;

**IT IS HEREBY ORDERED** that the property described above is **DEEMED ABANDONED**.

Dated: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT  
FOR THE  
WESTERN DISTRICT OF KENTUCKY

IN RE: \_\_\_\_\_ )  
 )  
 ) CASE NO.  
 )  
 Debtor(s) \_\_\_\_\_ )

MOTION TO AVOID LIEN

Debtor(s), by counsel, hereby moves the Court pursuant to Section 522(f) of the Bankruptcy Code to avoid the lien on the following described property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In support of said Motion, Debtor states:

1. \_\_\_\_\_, a creditor, filed a lien in the Office of the Clerk of \_\_\_\_\_ County and a copy of the lien is attached.
2. The amount of the claim which the lien secures is \$ \_\_\_\_\_.

3. The above mentioned lien is a (check one):

\_\_\_\_\_ judgment lien.

\_\_\_\_\_ non-possessory, non-purchase money lien.

4. Debtor(s) submits the following information on the value of the property:

A). Fair Market Value: \$\_\_\_\_\_.

B). Value listed in Schedules: \$\_\_\_\_\_.

C). Value according to records of County Property Valuation Administration:

\$\_\_\_\_\_.

D). Purchase Price: \$\_\_\_\_\_.

E). Date of Purchase: \_\_\_\_\_.

F). Appraised Value (if recently appraised): \$\_\_\_\_\_.

G). Senior mortgages or liens on the property: \_\_\_\_\_.

5. The trustee has abandoned the property.

6. The debtor(s) does claim an exemption of \$\_\_\_\_\_ in said property.

7. The lien held by the creditor impairs the exemption of the debtor(s) in the property described in the motion.

WHEREFORE, the debtor(s) moves the Court to order the lien void and for such other relief as the debtor(s) may be entitled.

**\*Any objections to this Motion must be filed within 15 days from the date this Motion was filed. Should no objection be received, an Order approving this Motion to Avoid Lien may be entered.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Debtor

\_\_\_\_\_  
\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

CERTIFICATE OF SERVICE

I hereby certify that a copy of this motion was served by first class mail upon, \_\_\_\_\_, and \_\_\_\_\_, the trustee, on this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Attorney for Debtor

UNITED STATES BANKRUPTCY COURT  
FOR THE  
WESTERN DISTRICT OF KENTUCKY

IN RE:

Debtor(s) )  
CASE NO. \_\_\_\_\_ )  
\_\_\_\_\_ )

ORDER

Notice having been given and no objections having been filed to the Motion to Avoid Lien;

IT IS HEREBY ORDERED that the lien of \_\_\_\_\_  
in the following described property is, AVOIDED.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A copy of this Order shall be mailed to the attorney for debtor(s), trustee, and the above-named creditor.

Dated: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT  
FOR THE  
WESTERN DISTRICT OF KENTUCKY

IN RE:

CASE NO.

Debtor(s)

AMENDMENT TO SCHEDULES

Comes the debtor and states that through error and inadvertence, the debtor failed to list in debtor's schedule the following:

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\*\*\*\* If amendment lists you as a Creditor, you have 90 days from the date of certification of mailing of amendment within which to file a proof of claim. (ONLY IF CASE IS A CHAPTER 13 OR ASSET CHAPTER 7).

The undersigned certifies under penalties of perjury, that I have read the foregoing amendment, and certify that the statements therein contained are true and complete to the best of my knowledge, information and belief.

Executed on \_\_\_\_\_

Debtor's signature

\_\_\_\_\_  
Debtor's signature

UNITED STATES BANKRUPTCY COURT  
FOR THE  
WESTERN DISTRICT OF KENTUCKY

IN RE:

CASE NO.

Debtor(s)

CERTIFICATE OF SERVICE AND  
NOTICE OF AMENDMENT TO SCHEDULES

I hereby certify that a copy of the attached Amendment to Schedules was this \_\_\_\_\_ day of

\_\_\_\_\_ 20 \_\_\_\_\_ forwarded to:

(List any creditor who has not been previously listed and the trustee. Provide complete addresses).

along with a copy of the Order of Meeting of Creditors by depositing a copy of same in the United States mail, properly addressed and postage prepaid.

NOTE - Also included is a copy of the Debtor's Plan and a blank Proof of Claim form to each creditor listed above. (Only if case is a Chapter 13).

name

\_\_\_\_\_  
Attorney's

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone No.

UNITED STATES BANKRUPTCY COURT  
FOR THE  
WESTERN DISTRICT OF KENTUCKY

IN RE:

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CASE NO.

Debtor(s)

ORDER CONTINUING SECTION 341 MEETING

The debtor or the debtor's attorney having moved the Court for a continuance of the Section 341 Meeting in this proceeding.

IT IS HEREBY ORDERED and adjudged that the Section 341 meeting is continued to \_\_\_\_\_ 20 \_\_\_\_\_ at \_\_\_\_\_, Kentucky.

For Chapter 13 cases - The hearing on confirmation of plan is continued to \_\_\_\_\_

**IT IS FURTHER ORDERED THAT COUNSEL FOR THE MOVANT IS DIRECTED TO NOTIFY ALL PARTIES IN INTEREST WITHIN TEN (10) DAYS OF THE ENTRY OF THIS ORDER OF THE DATE, TIME AND PLACE OF THIS CONTINUED SECTION 341 MEETING, AND SHALL CERTIFY TO THIS COURT AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO SAID RE-SCHEDULED MEETING THAT NOTICE, PURSUANT TO THE SAID FEDERAL RULES OF CIVIL PROCEDURE, HAS BEEN EFFECTED BY THE MOVANT'S COUNSEL.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT  
FOR THE  
WESTERN DISTRICT OF KENTUCKY

IN RE:

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CASE NO.

Debtor(s)

SCHEDULE OF ALLOWED CLAIMS

Debtor(s) by counsel, states that the following claims have been duly proven, and should be allowed as unsecured and paid in accordance with the Order of Confirmation.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Attorney For Debtor(s)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone No.

UNITED STATES BANKRUPTCY COURT  
FOR THE  
WESTERN DISTRICT OF KENTUCKY

IN RE:

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\_\_\_\_\_  
Debtor(s)\_\_\_\_\_

CASE NO. \_\_\_\_\_

APPEARANCE OF CHILD SUPPORT  
CREDITOR PURSUANT SECTION 304(g)

Come(s) the child support creditor(s) and/or representative(s), and submit(s) the following information to the

Court as required by Sec. 304(g) of the Bankruptcy Reform Act of 1994:

Name of child support creditor:

\_\_\_\_\_

Address and telephone number of child  
support creditor:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of representative of child support  
creditor (if any):

\_\_\_\_\_

Address and telephone number of  
representative:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Nature of representative's capacity:

\_\_\_\_\_

Court from which Child Support Order or  
Property Settlement Agreement originates  
(Attach copy of Order or Agreement)

\_\_\_\_\_

Address of Court:

\_\_\_\_\_

What is status and amount of child  
support claim (i.e. Is there a judgment?)

\_\_\_\_\_

Is current child support being paid by  
wage assignment?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Creditor

\_\_\_\_\_  
Creditor's Representative (if any)

### **NOTICE**

**THIS FORM IS NOT A SUBSTITUTE FOR A PROOF OF CLAIM AND IS ONLY TO ESTABLISH THE RIGHT OF CHILD SUPPORT CREDITORS AND/OR THEIR REPRESENTATIVES TO APPEAR IN BANKRUPTCY COURT PROCEEDINGS. QUESTIONS AS TO YOUR RIGHTS SHOULD BE ADDRESSED TO LEGAL COUNSEL.**

UNITED STATES BANKRUPTCY COURT  
FOR THE  
WESTERN DISTRICT OF KENTUCKY

IN RE:

Debtor(s)  
\_\_\_\_\_

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)

CASE NO. \_\_\_\_\_

MOTION TO LIMIT NOTICING REQUIREMENTS

Debtor, by counsel, moves the court pursuant to the Local Bankruptcy Rule to limit the noticing requirements to those persons who request notice and other person required by the rule.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Attorney For Debtor

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone No.

UNITED STATES BANKRUPTCY COURT  
FOR THE  
WESTERN DISTRICT OF KENTUCKY

IN RE:

)  
)  
) CASE NO.  
)  
)  
\_\_\_\_\_)

ORDER LIMITING NOTICING REQUIREMENTS

On motion of the debtor and the Court being sufficiently advised;

IT IS HEREBY ORDERED that all creditors and other entities who wish to receive notice on all matters file a request with the Clerk indicating that all notices be mailed to them on or before \_\_\_\_\_. All parties filing such a request shall serve a copy on debtor's counsel.

IT IS FURTHER ORDERED that all notices required to be given under Rule 2002 of the Federal Rules of Bankruptcy Procedure shall be deemed satisfied by service only upon:

- 1) all secured creditors who are not represented by counsel,
- 2) all counsel of record for parties in interest,
- 3) the United States Trustee,
- 4) counsel for the unsecured creditors committee and any other committees,
- 5) governmental units having claims, and
- 6) all persons who file with the Court a written request to receive such notices.

Dated: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES BANKRUPTCY JUDGE

